IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 23873 of 2004

Between:

Mysangala Durgaiah, S/o. Venkaiah, aged 32 years, Occ: agriculture
R/o. Thonigandla, Ramayampet Mandal,
Medak District.

..... PETITIONER

AND

1 The District Collector, Medak District at Sangareddy.
2 The Election Officer or Other Authorised Person, Mandal Development Officer, Ramayampet Mandal,
Medak District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the 2nd Respondent in refusing to receive the Nomination Papers of the petitioner dated 17-12-2004 without assigning any reasons for by elections to the post of Grama Sarpanch of Thonigandla Village, Ramayampet Mandal, Medak District to be held on 28-12-2004 as bad illegal arbitrary and contrary to Sub-rule 5(a) of Rule 4 and Rule 9(3) of conduct of Election Rules and violates Article 14 and Provisions of A.P. Panchayat Raj Act and consequently direct the respondents to receive the nomination papers of the petitioner for the said elections and to permit to contest in the by-elections to be held on 28-12-2004 as Grama Sarpanch of Thonigandla Village, Ramayampet Mandal, Medak District and pass such other order or orders.

Counsel for the Petitioner:MR.V.VENUGOPALA RAO

Counsel for the Respondents: GP FOR PANCHAYAT RAJ

The Court made the following :

ORDER:

The petitioner seeks a writ of mandamus declaring that the action of the second respondent-Election Officer in refusing to receive the nomination of the petitioner for election to the office of the Sarpanch of Thonigandla Village, Ramayampet Mandal, Medak District, is arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

As can be seen from the material on record the last date for filing nominations was 17-12-2004 and the date fixed for scrutiny of nominations

was on 18-12-2004. Even for withdrawal of the nominations the date fixed under the election schedule was 21-12-2004. In the circumstances the relief as prayed for to receive the nomination of the petitioner cannot be granted at this stage.

The writ petition is, therefore, dismissed. However, liberty is reserved to the petitioner to work out the appropriate remedy available under law to challenge the election on the grounds urged in this writ petition. No costs.

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G. ROHINI, J

BJ

To

1 The District Collector, Medak District at Sangareddy.
2 The Election Officer or Other Authorised Person, Mandal Development Officer, Ramayampet Mandal,
Medak District.

3. 2 C.Cs. to G.P. for Panchayat Raj, High Court Bldgs. Hyderabad (OUT)

4. 2 C.D. copies.

THE HON'BLE MS. JUSTICE G. ROHINI.

W.P.No. 23873 of 2004

22nd December, 2004